

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yossi Gross et al.

Application No.: 10/535,024

Confirmation No.: 2029

Filed: December 27, 2005

Art Unit: 3731

For: Surgical tools and techniques for stimulation

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:
(Check one of the boxes A-D)

- ☐ A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above identified national application
- ☒ B. before the mailing date of a first office action on the merits, or a first office action after filing a request for continued examination.
- ☐ C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary statement in box "i" below or paid the necessary fee in box "ii" below.

(check one of the boxes "i" and "ii" below:)

- ☐ i. Counsel states that, upon information and belief, each item of information listed herein was (check one of boxes (a) or (b))
- ☐ (a) first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- ☐ (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
- ☐ ii. A check for the fee set forth in 1. 17(p), presently believed to be \$180, is enclosed.
- ☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant petitions under 37 C.F.R. 1.97(d) for the consideration of this IDS. Under 37 CFR 1.17(i) a check in the amount of \$180.00 is enclosed. Counsel certifies that, upon information and belief, each item of information listed herein was

(check one of the boxes "a" and "b" below:)

- ☐ (a) first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- ☐ (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO/SB/08) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A, B and/or C and fill in blanks, if appropriate.)

- ☒ A. Pursuant to the 37 C.F.R. § 1.98(a)(2)(ii), a copy/copies of the U.S. Patent(s) and/or U.S. Patent Application Publication(s) on PTO/SB08 is/are not being submitted.
- ☐ B. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.
- ☐ C. Certain documents were previously cited by or submitted to the Office in the following prior applications, which are relied upon under 35 U.S.C. 120:

<<INSERT SERIAL NO. & FILING DATE>>

Applicant identifies these documents by attaching hereto copies of the forms PTO-892, PTO-1449 and/or PTO/SB/08 from the files of the prior application(s) or a fresh PTO/SB/08 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

- ☐ 3. Cite No(s). _____ are not in the English language.
In accordance with 1.98(c), Applicant states:
- ☐ An English translation of each document (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.
- ☐ The requirement for a concise explanation of the relevance of any foreign language document is satisfied by the attached search report; citation of the documents cited in the search report shall not be construed as an admission that they are or are considered to be, material to patentability of the subject matter claimed herein (See MPEP §609).
- ☐ A concise explanation of the relevance of document(s) _____ is set forth as follows: [Insert concise explanation of relevance]
- ☐ A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.
- ☐ A concise explanation of document(s) _____ can be found on the attached sheet.

- ☐ 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 in the preamble to the final rules; 1135 OG 13 at 20).
- ☐ 5. Other information being provided for the examiner's consideration follows:

[A/An _____ Search Report, dated _____, which issued during the prosecution of _____ Application No. _____ which corresponds to the present application.]

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless other-wise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

Early and favorable consideration is earnestly solicited.

The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee to Deposit Account No. 04-0100.

Dated: January 22, 2007

Respectfully submitted,

By

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Complete if Known Application Number: 10/535,024-Conf. #2029 Filing Date: December 27, 2005 First Named Inventor: Yossi Gross Art Unit: 3731 Examiner Name: Not Yet Assigned Attorney Docket Number: 06727/0202921-USO	
Sheet	1	of	7	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document Number <small>Number/Kind Code* (if known)</small>	Publication Date <small>MM-DD-YYYY</small>	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
ISC/	AA*	US-6,526,318-B1	02-25-2003	Ansarinia	
	AB*	US-6,405,079-B1	06/2002	Ansarinia	
	AC*	US-20030176898-A1	09-18-2003	Gross et al.	
	AD*	US-20030176892-A1	02-08-2005	Shalev	
	AE*	US-20040015068-A1	01-22-2004	Shalev et al.	
	AF*	US-5,758,071-B1	05/1998	Mattern, et al.	
	AG*	US-5,752,515-B1	05-19-1998	Jolesz et al.	
	AH*	US-20020052311-A1	05-02-2002	Solomon et al.	
	AI*	US-6,059,415-B1	10/1991	Neuwelt	
	AJ*	US-4,866,042-B1	09/1989	Neuwelt	
	AK*	US-6,117,454-B1	09-12-2000	Kreuter et al.	
	AL*	US-6,268,164-B1	12/1993	Kozarich, et al.	
	AM*	US-6,005,004-B1	12/1999	Katz, et al.	
	AN*	US-5,833,988-B1	11/1998	Friden	
	AO*	US-20020055501-A1	05-09-2002	Olson et al.	
	AP*	US-20020035145-A1	03-21-2002	Tsai et al.	
	AQ*	US-20010051633-A1	12-13-2001	Bigge et al.	
	AR*	US-20010047014-A1	11-29-2001	Alanine et al.	
	AS*	US-20020028834-A1	03-07-2002	Villalobos et al.	
	AT*	US-20020040052-A1	04-04-2002	Ito et al.	
	AU*	US-20020040032-A1	04-04-2002	Glasky et al.	
	AV*	US-20020019519-A1	02-14-2002	Bingham et al.	
	AW*	US-20020042420-A1	04-11-2002	Briem et al.	
	AX*	US-20020025955-A1	02/2002	Han, et al.	
	AY*	US-20020022821-A1	02-21-2002	Chaturvedula et al.	
	AZ*	US-20010020097-A1	09-06-2001	AUDIA et al.	
	AA1*	US-6,211,235-B1	04/2001	Wu, et al.	
	AB1*	US-6,011,472-B1	04/1991	Aebischer, et al.	
	AC1*	US-20020022650-A1	02-21-2002	Posmantur et al.	
	AD1*	US-20010027308-A1	10-04-2001	Elsberry	
	AE1*	US-20020009445-A1	01-24-2002	Du et al.	
	AF1*	US-20020022593-A1	02-21-2002	Yue	
	AG1*	US-20020019412-A1	02-14-2002	ANDERSEN et al.	
	AH1*	US-20020068959-A1	06-06-2002	Joshi	
	AI1*	US-20020042121-A1	04-11-2002	RIESNER et al.	
	AJ1*	US-20020028462-A1	03-07-2002	Tanzi et al.	
	AK1*	US-20020022242-A1	02-21-2002	Small et al.	
	AL1*	US-20010044126-A1	11-22-2001	Holtzman et al.	
	AM1*	US-20020019016-A1	02-14-2002	Vanmechelen et al.	
	AN1*	US-20050054939-A1	03-10-2005	Ben-Ari et al.	
	AO1*	US-6,322,494-B1	11/2001	Bullivant, et al.	
	AP1*	US-20020006627-A1	01-17-2002	Reitz et al.	
	AQ1*	US-20020002270-A1	01-03-2002	ZINKOWSKI et al.	
	AR1*	US-20010026918-A1	10-04-2001	GINSBURG et al.	
	AS1*	US-6,238,892-B1	05/2001	Mercken, et al.	

Examiner Signature	Date Considered
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Application Number	10/535,024-Conf. #2029	
			Filing Date	December 27, 2005	
			First Named Inventor	Yossi Gross	
			Art Unit	3731	
			Examiner Name	Not Yet Assigned	
Sheet	2	of	7	Attorney Docket Number	06727/0202921-US0

75G/	AT1*	US-20010018191-A1	08-30-2001	Mercken et al.	
	AU1*	US-6,287,793-B1	09/2001	Schenk, et al.	
	AV1*	US-20010014670-A1	08-16-2001	BALIN et al.	
	AW1*	US-4,666,829-B1	05/1987	Glennner, et al.	
	AX1*	US-5,031,818	07/1991	Mullett	
	AY1*	US-4,874,894-B1	10/1989	Gandy, et al.	
	AZ1*	US-6,358,681-B1	03/2002	Ginsberg, et al.	
	AA2*	US-6,329,531-B1	12/2001	Turner, et al.	
	AB2*	US-6,210,895-B1	04/2001	Schipper, et al.	
	AC2*	US-6,200,768-B1	03/2001	Mandelkowitz, et al.	
	AD2*	US-6,132,977-B1	10/2000	Thompson, et al.	
	AE2*	US-6,114,175-B1	09/2000	Kiunk, et al.	
	AF2*	US-6,325,475-B1	12/2001	Hayes, et al.	
	AG2*	US-6,338,715-B1	01/2002	Hayes, et al.	
	AH2*	US-5,838,690	08/1999	Law, et al.	
	AI2*	US-5,678,553	01/2004	Lerner, et al.	
	AJ2*	US-20030191426-A1	10-09-2003	Lerner et al.	
	AK2*	US-6,410,046	06/2002	Lerner	
	AL2*	US-20020068080-A1	06-06-2002	LERNER	
	AM2*	US-20020082583-A1	06-27-2002	Lerner	
	AN2*	US-20020183683-A1	12-05-2002	Lerner	
	AO2*	US-20020123678-A1	09-05-2002	LERNER et al.	
	AP2*	US-6,432,986	08/2002	Levin	
	AQ2*	US-6,491,940	12/2002	Levin	
	AR2*	US-20010004644-A1	06-21-2001	Levin	
	AS2*	US-20030133877-A1	07-17-2003	Levin	
	AT2*	US-6,130,048-B1	10/2000	Nixon	
	AU2*	US-6,087,118-B1	07/2000	Aronson, et al.	
	AV2*	US-6,071,705-B1	06/2000	Wands, et al.	
	AW2*	US-6,001,331-B1	12/1999	Caprahe, et al.	
	AX2*	US-5,985,581-B1	11/1999	Nixon, et al.	
	AY2*	US-5,981,194-B1	11/1999	Jefferies, et al.	
	AZ2*	US-5,849,600-B1	12/1998	Nixon, et al.	
	AA3*	US-5,830,670-B1	11/1998	De la Monte, et al.	
	AB3*	US-20040220644-A1	11-04-2004	Shalev et al.	
	AC3*	US-20040210269-A1	10-21-2004	Shalev et al.	
	AD3*	US-20050074508-A1	04-07-2005	Natan et al.	
	AE3*	US-20050159790-A1	07-21-2005	Shalev	
	AF3*	US-6,853,858-A1	09-18-2003	Shalev	
	AG3*	US-20050137646-A1	06-23-2005	Wallace et al.	
	AH3*	US-20050137647-A1	06-23-2005	Wallace et al.	
	AI3*	US-20050118187-A1	06-02-2005	Yu	
	AL3*	US-20040136950-A1	07-15-2004	Ni et al.	
	AK3*	US-20040136951-A1	07-15-2004	Ni et al.	
	AL3*	US-20040033491-A1	02-19-2004	Alsobrook et al.	
	AM3*	US-6,811,788-A1	04-18-2002	Yu	
	AN3*	US-20030232335-A1	12-18-2003	Surber et al.	
	AO3*	US-20030224444-A1	12-04-2003	Sabbadini et al.	
	AP3*	US-20030224369-A1	12-04-2003	Surber et al.	

Examiner Signature	Date Considered
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Substitute for form 1449PTO			Complete if Known		
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			Filing Date	December 27, 2005	
			First Named Inventor	Yossi Gross	
			Art Unit	3731	
			Examiner Name	Not Yet Assigned	
Sheet	3	of	7	Attorney Docket Number	067270202921-USO

7/SG	AQ3*	US-20030219888-A1	11-27-2003	Segall et al.	
	AR3*	US-20030219408-A1	11-27-2003	Sabbadini et al.	
	AS3*	US-20030211599-A1	11-13-2003	Sabbadini et al.	
	AT3*	US-20030211086-A1	11-13-2003	Berkley et al.	
	AU3*	US-20030207833-A1	11-06-2003	Berkley et al.	
	AV3*	US-20030203481-A1	10-30-2003	Surber et al.	
	AW3*	US-20030203411-A1	10-30-2003	Sabbadini et al.	
	AX3*	US-20030202937-A1	10-30-2003	Sabbadini et al.	
	AY3*	US-20030199089-A1	10-23-2003	Surber et al.	
	AZ3*	US-20030199088-A1	10-23-2003	Sabbadini et al.	
	AA4*	US-20030199009-A1	10-23-2003	Sabbadini et al.	
	AB4*	US-20030198998-A1	10-23-2003	Surber et al.	
	AC4*	US-20030198995-A1	10-23-2003	Roger Sabbadini	
	AD4*	US-20030194714-A1	10-16-2003	Sabbadini et al.	
	AE4*	US-20030190749-A1	10-09-2003	Surber et al.	
	AF4*	US-20030190683-A1	10-09-2003	Sabbadini et al.	
	AG4*	US-20030190601-A1	10-09-2003	Sabbadini et al.	
	AH4*	US-20030166279-A1	09-04-2003	Sabbadini et al.	
	AI4*	US-20030166099-A1	09-04-2003	Sabbadini et al.	
	AJ4*	US-20020044919-A1	04-18-2002	Yu	
	AK4*	US-20050020519-A1	01-27-2005	Albiston et al.	
	AL4*	US-20030177514-A1	09-18-2003	Leviton	
	AM4*	US-20030172390-A1	09-11-2003	Wisotzkey et al.	
	AN4*	US-5,304,632	04-19-1994	Vaudry et al.	
	AO4*	US-6,232,326	05-15-2001	Nelson	
	AP4*	US-6,531,454	03-11-2003	Leary et al.	
	AQ4*	US-6,277,841	08-21-2001	Rajagopalan et al.	
	AR4*	US-20030131367-A1	07-10-2003	Guenther et al.	
	AS4*	US-20030106083-A1	06-05-2003	Allen	
	AT4*	US-20030056238-A1	03-20-2003	Wisotzkey	
	AU4*	US-20030051268-A1	03-13-2003	Allen	
	AV4*	US-20030018989-A1	01-23-2003	Brennan et al.	
	AW4*	US-20030014772-A1	01-16-2003	Allen	
	AX4*	US-20030013136-A1	01-16-2003	Balser et al.	
	AY4*	US-20030005477-A1	01-02-2003	Leviton	
	AZ4*	US-20030005473-A1	01-02-2003	Brennan et al.	
	AA5*	US-20020169307-A1	11-14-2002	Klein	
	AB5*	US-20020133841-A1	09-19-2002	Leviton	
	AC5*	US-20020026652-A1	02-28-2002	Allen et al.	
	AD5*	US-20040153129-A1	08-05-2004	Pless et al.	
	AE5*	US-6,905,827-A1	01-15-2004	Wohlgermuth, et al.	
	AF5*	US-5,639,853	06-17-1997	Paradiso et al.	
	AG5*	US-5,223,254	06-29-1993	Paradiso et al.	
	AH5*	US-20040054297-A1	03-18-2004	Wingeler et al.	
	AI5*	US-20030195602-A1	10-16-2003	Boling	
	AJ5*	US-20030195588-A1	10-16-2003	Fischell et al.	
	AK5*	US-6,810,285-A1	01-02-2003	Pless et al.	
	AL5*	US-6,690,974-A1	06-20-2002	Archer et al.	
	AM5*	US-20030149457-A1	08-07-2003	Tcheng et al.	

Examiner Signature	Date Considered
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75G/	AN5*	US-20030144711-A1	07-31-2003	Pless et al.	
	AC5*	US-20030074033-A1	04-17-2003	Pless et al.	
	AP5*	US-20030073917-A1	04-17-2003	Echaz et al.	
	AQ5*	US-6,662,035-A1	03-13-2003	Sochor	
	AR5*	US-6,647,296-A1	12-13-2001	Fischell et al.	
	AS5*	US-6,618,623	09-09-2003	Pless et al.	
	AT5*	US-6,606,521-A1	01-09-2003	Paspas et al.	
	AU5*	US-6,597,954	07-22-2003	Pless et al.	
	AV5*	US-6,597,953-A1	08-22-2002	Boling	
	AW5*	US-6,591,138	07-08-2003	Fischell et al.	
	AX5*	US-6,591,137	07-08-2003	Fischell et al.	
	AY5*	US-6,529,774	03-04-2003	Greene	
	AZ5*	US-20020169485-A1	11-14-2002	Pless et al.	
	AA6*	US-20020099412-A1	07-25-2002	Fischell et al.	
	AB6*	US-6,480,743	11-12-2002	Kirkpatrick et al.	
	AC6*	US-6,473,639	10-29-2002	Fischell et al.	
	AD6*	US-6,466,822	10-15-2002	Pless	
	AE6*	US-6,459,936-A1	12-27-2001	Fischell et al.	
	AF6*	US-6,427,086	07-30-2002	Fischell et al.	
	AG6*	US-6,380,122	03-19-2002	Fischell et al.	
	AH6*	US-6,354,299	03-12-2002	Fischell et al.	
	AI6*	US-6,353,754	03-05-2002	Fischell et al.	
	AJ6*	US-6,230,049	05-08-2001	Fischell et al.	
	AK6*	US-6,161,045	12-12-2000	Fischell et al.	
	AL6*	US-6,134,474	10-17-2000	Fischell et al.	
	AM6*	US-6,128,538	10-03-2000	Fischell et al.	
	AN6*	US-6,061,593	05-09-2000	Fischell et al.	
	AO6*	US-6,016,449	01-18-2000	Fischell et al.	
	AP6*	US-6,006,124	12-21-1999	Fischell et al.	
	AQ6*	US-5,838,689	08-17-1999	Fischell et al.	
	AR6*	US-6,622,047-A1	01-30-2003	Barrett et al.	
	AS6*	US-6,622,041-A1	02-27-2003	Terry, Jr. et al.	
	AT6*	US-6,622,038-A1	02-20-2003	Barrett et al.	
	AU6*	US-6,609,025-A1	07-04-2002	Barrett et al.	
	AV6*	US-6,609,956-A1	06-06-2002	Margaria	
	AW6*	US-6,587,719	07-01-2003	Barrett et al.	
	AX6*	US-6,473,644-B1	10/2002	Terry, Jr. et al.	
	AY6*	US-5,928,272	07-27-1999	Adkins et al.	
	AZ6*	US-5,707,400-B1	01-13-1998	Terry, Jr.	
	AA7*	US-5,571,150-B1	11-05-1996	Wernicke	
	AB7*	US-5,540,730-B1	07-30-1996	Terry, Jr.	
	AC7*	US-5,531,778	07-02-1996	Maschino et al.	
	AD7*	US-5,351,394	10-04-1994	Weinberg	
	AE7*	US-5,335,657-B1	08-09-1994	Terry, Jr.	
	AF7*	US-5,330,515	07-19-1994	Rulecki et al.	
	AG7*	US-5,304,206	04-19-1994	Baker, Jr. et al.	
	AH7*	US-5,299,569-B1	04-05-1994	Wernicke	
	AI7*	US-5,269,303	12-14-1993	Wernicke et al.	
	AJ7*	US-5,263,480-B1	11-23-1993	Wernicke	

Examiner Signature	Date Considered
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			Attorney Docket Number	06727/0202921-USO
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Substitute for form 1449/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	10/535,024-Conf. #2029
		Filing Date	December 27, 2005
		First Named Inventor	Yossi Gross
		Art Unit	3731
		Examiner Name	Not Yet Assigned
		Attorney Docket Number	06727/0202921-US0
Sheet	6	of	7

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹	
/SG/	CA	Suzuki, N. et al., "Effect on Cortical Blood Flow of Electrical Stimulation of Trigeminal Cerebrovascular Nerve Fibers in the Rat", <i>Acta Physiol. Scand.</i> , 138, 307-315, 1990		
	CB	Fusco BM, Fiore G, Gallo F, Martelletti P, Giacomazzo M, "Capsaicin-sensitive" sensory neurons in cluster headache: pathophysiological aspects and therapeutic indications, <i>Headache</i> , 34, 132-137 (1994)		
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Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/535,024-Conf. #2029
				Filing Date	December 27, 2005
				First Named Inventor	Yossi Gross
				Art Unit	3731
				Examiner Name	Not Yet Assigned
Sheet	7	of	7	Attorney Docket Number	06727/0202921-US0

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